IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 575 OF 2006

MRS. AUGUSTA LOPES AND 2 ORS., ...Petitioners

Versus

SHRI. GANPAT KOLVEKAR AND ANR., ...Respondents

Mr. Gaurish Kudchodkar, Advocate for the petitioner.

Coram:- J. N. PATEL, J.

Date:- 30th November, 2006

P.C.

Heard.

2. The petitioners/original plaintiffs has impugned the orders passed by the Trial Court, allowing the amendment application filed by the defendants so as to raise additional plea in his written statement.

The main contention of the petitioners is that, though such a plea was available to the defendants at the time of initial filing of the written statement, the Court has permitted the amendment which has caused prejudice to the plaintiffs, as now by virtue of amendment, the defendants are claiming a right to the property as mundkars. Whereas it is the case of the plaintiffs that the defendants were merely residing as licensees.

This Court does not find that the Trial Court has committed error in allowing the impugned order.

Therefore the impugned order does not call for interference.

The petition is dismissed.

J. N. PATEL, J.

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